



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOUISA SMITH,

Plaintiff,

-against-

NEW YORK PRESBYTERIAN HOSPITAL, et al.,

Defendants.
-----X

05 Civ. 7729 (RJS)(DF)

ORDER

DEBRA FREEMAN, United States Magistrate Judge:

The Court having received correspondence from the parties raising certain disputes regarding the conduct of depositions in this case, it is hereby ORDERED that:

1. Plaintiff may select any reasonable location for the depositions she notices; to the extent she wishes to arrange for Defendants' depositions to take place at the Harvard Club in New York City, that would constitute a reasonable location.

2. At this point, the Court will not direct that any deposition, including Plaintiff's own deposition, be taken before any other deposition in the case. Absent further order of the Court, each party may conduct up to 10 depositions within the period permitted for fact discovery, and those depositions may be taken on reasonable notice (*i.e.*, at least 10 days notice), in any sequence.

3. During any deposition conducted by Plaintiff, if Plaintiff determines in good faith that, because of her mental health disability, she needs to cease conducting the deposition before the witness's testimony is complete, then Plaintiff may temporarily terminate the deposition and continue it on the following day, or on such other date as to which the parties may stipulate.

Absent further leave of Court, however, no deposition shall exceed a total of seven hours or be

Copies mailed June 21, 2010
Chambers of Magistrate Judge Freeman

continued more than once, and, so as to avoid unnecessary expense and inconvenience to both counsel and the witnesses, it is the Court's expectation that such "split" depositions will be the exception, rather than the rule.

4. Defendants are granted leave to file a motion for a protective order with respect to the deposition of Dr. Antonio Gotto. Defendants' motion shall be served and filed no later than 14 days from the date of this Order; Plaintiff's opposition shall be served and filed no later than 14 days from receipt of Defendants' motion papers. The deposition of Dr. Gotto shall be stayed pending the Court's ruling on the motion.

5. Further, as directed by the Court at the last case management conference in this matter, to the extent Plaintiff possesses audiotapes of any witness she plans to depose, and such audiotapes record conversations regarding any facts relevant to Plaintiff's claims (such that the tapes are not solely impeachment material), Plaintiff shall produce any such audiotapes to Defendants at least 14 days prior to the witness's deposition. In any instance in which Plaintiff possesses such tapes, but does not produce them at least 14 days prior to the deposition, the deposition shall not proceed.

6. From this point forward, any party that causes a deposition to be cancelled within fewer than 48 hours of the scheduled date and time shall be responsible for paying any non-refundable costs associated with the cancellation.

Dated: New York, New York
June 18, 2010

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

Copies to:

Hon. Richard J. Sullivan, U.S.D.J.

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